

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS

IN RE: TESTOSTERONE REPLACEMENT
THERAPY PRODUCTS LIABILITY
LITIGATION

CASE NO. 1:14-CV-01748
MDL 2545

JUDGE MATTHEW F. KENNELLY

This Document Relates to:

All Actions

**DEFENDANTS' MOTION FOR LEAVE TO FILE NOTICE OF SUPPLEMENTAL
AUTHORITY IN SUPPORT OF ITS MOTION TO EXCLUDE PLAINTIFFS' EXPERT
TESTIMONY ON THE ISSUE OF CAUSATION AND FOR SUMMARY JUDGMENT**

Defendants AbbVie Inc. and Abbott Laboratories (collectively "AbbVie") respectfully move this Court for leave to file a notice of supplemental authority with respect to AbbVie's motion to exclude Plaintiffs' expert testimony on the issue of causation and for summary judgment (the "Causation Motion"). (ECF Nos. 1753, 1844.) AbbVie filed the Causation Motion on February 20, 2017, and filed a reply memorandum in further support of that motion on April 10, 2017. Subsequent to those filings, on April 13, 2017, the Superior Court of New Jersey issued its decision in *In re Accutane Litigation*, No. 271 MCL, 2017 WL 1362050 (N.J. Super. Law Div. April 13, 2017), granting defendants' motion to bar the testimony of certain causation experts. Relying upon both federal and state authorities, the *Accutane* court excludes the testimony of those causation experts because their opinions fail to adhere to the established medical-evidence requirements set forth in the *Reference Manual on Scientific Evidence*. AbbVie respectfully asks the Court to grant leave to submit notice of that opinion, attached hereto, as supplemental authority further supporting AbbVie's Causation Motion. *See, e.g.*, ECF No. 1753 at 11-14, 34-39, 48-49 (discussing the medical-evidence requirements set forth in the *Reference Manual*).

Dated: April 24, 2017

By: /s/ David M. Bernick

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CERTIFICATE OF SERVICE

I, David Bernick, hereby certify that on April 24, 2017, the foregoing document was filed via the Court's CM/ECF system, which will automatically serve and send email notification of such filing to all registered attorneys of record.

/s/ David Bernick

David Bernick